THE HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.19095 of 2006

ORDER :

Heard both the learned counsel.

This Court issued Rule Nisi on 15-09-2006.

The Writ Petition is filed praying for a Writ, Order or direction, more in the nature of Writ of Mandamus directing the respondents 1 & 2 herein to submit the verification and entitlement report of the husband of the petitioner forthwith to the third respondent through the fourth respondent pursuant to the application submitted by the husband of the petitioner vide File No.112/848/97, with agenda No.195 by duly declaring the action of the respondents 1 & 2 in not taking any steps for submission of verification and entitlement report of the husband of the petitioner to the third respondent as illegal, arbitrary and contrary to the scheme i.e., Swatantra Sainik Samman Pension Scheme and pass such other orders.

It is stated that the husband of the petitioner had submitted an application for grant of Freedom Fighters Pension since he fought against the Nizam Government for merger of Hyderabad State into Indian Union. The third respondent herein had been pleased to place her husband's application with File No.112/848/97, with Agenda No.195 before the Special Screening Committee and the Committee was pleased to recommend her husband's application for grant of Freedom Fighters Pension. Thereupon, along with other cases, her husband's

case had been referred to the State Government for submission of verification and entitlement report. Thereupon, petitioner's husband had submitted all the required documents viz., Affidavits of personal knowledge certificate, personal affidavit and Border Camp In-charge Certificate and other required documents before the 2nd respondent on 22-11-2002. But, so far, her husband's verification and entitlement report has not been submitted to the third respondent through the fourth respondent. The respondents 1 and 2 herein had submitted lot of verification and entitlement reports of the persons, who had been submitted the documents subsequent to her husband and whereas her husband's verification and entitlement report has not been submitted so far, which is illegal, arbitrary and discrimination being violative of Articles 14 and 21 of the constitution of India.

It is also stated that pending the matter before the respondents 1 and 2 herein her husband died on 08-07-2003 and to that extent the petitioner had also submitted death and legal heir certificate dated 12-09-2003 to the respondents 1 and 2 herein in their office and requested to submit verification and entitlement report for grant of freedom fighters family pension to her under the scheme viz., the wife of the freedom fighter is entitled to draw the freedom fighters pension. Therefore, she is filing the present writ petition seeking a direction to the respondents 1 & 2 herein to submit verification and entitlement report by affording an opportunity to her to submit necessary

documents, if any, to be submitted for submission of verification and entitlement report of her husband. It is further stated that her husband's application had been recommended by the screening committee in the year 1997 and the Central Government has taken a policy decision to refer all the matters for enquiry in the year 1999. After 1999, the respondents are changing the rule every year regarding submission of documents to submit the enquiry report. As per the amended rules, her husband had submitted the documents in the year 2002 in the office of the second respondent herein. But, so far, they have not submitted the enquiry report. In those circumstances, she is constrained to approach this Court seeking a direction to the respondents 1 and 2 herein to submit her husband's verification and entitlement report for grant of freedom fighters family pension, otherwise, she would be put to undue hardship and irreparable loss.

In the above circumstances, the Writ petitioner approached this Court praying for the appropriate relief.

In the light of the facts and circumstances of the case, the Writ Petition is disposed of directing the respondents 1 and 2 to submit the verification and entitlement report of the petitioner's husband to the fourth respondent within a period of four weeks and let the fourth respondent forward the same to the third respondent within a period of four weeks thereafter and let the third respondent take appropriate decision within a period of eight weeks thereafter in the facts

and circumstances of the case.

Writ Petition is disposed of accordingly. No order as to costs.

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P.S.NARAYANA, J.

Date : 29-11-2007.

SKMR

THE HON'BLE SRI JUSTICE

P.S.NARAYANA

W.P.No. 19095 of 2006

Dated: 29th November, 2007

BETWEEN:

Chakkala Lakshmi Narsamma,
W/o late Rangaiah, Aged about 64 years,
Occupation : Housewife,
R/o Lachagudem village,
Chinthakani Mandal, Khammam District

.. Petitioner

And

The District Collector, Khammam and others

.. Respondents